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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS FRANCIS HALE,

Defendant.

**MEMORANDUM DECISION and  
ORDER DENYING MOTION  
TO SCAN SHELVED EXHIBITS and  
ORDER TO CEASE IMPROPER  
ATTEMPTS TO SUPPLEMENT THE  
RECORD**

Case No. 2:06-cr-871-DN  
District Judge David Nuffer

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Defendant Thomas Francis Hale has filed a pro se motion asking the court to scan shelved exhibits.<sup>1</sup> He specifically requests the court scan the exhibits to motions he filed pro se *while represented by counsel* in 2008 as docket numbers 79 and 81.<sup>2</sup> As each docket entry indicates, the exhibits were not scanned because they are “Over Sized.”<sup>3</sup> Even though they were not scanned and had to be shelved due to their size, these exhibits remain part of the record in this case. The requested exhibits will not be scanned due to their size.

Dr. Hale makes references in this motion to documents lodged on the docket. The court lodges documents it receives to provide a record on the docket and permit any interested party to view the lodged documents on the public docket. These lodged documents are not formally before the court and have not been reviewed or considered by the court in any ruling. Because they were never reviewed or considered, the court will not now go back and have these lodged documents refiled on the docket as Dr. Hale requests. The lodged documents are available to be

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<sup>1</sup> Motion to Scan Shelved Exhibits, docket no. [353](#), filed July 9, 2013.

<sup>2</sup> Motions, docket nos. 79 and 81, were ruled on and denied by the court. *See* Order, docket no. [80](#), filed March 25, 2008 and Order, docket no. [82](#), filed March 26, 2008.

<sup>3</sup> *See* docket no. [79](#), filed March 24, 2008 (“Note: Exhibits are Over Sized; Not Imaged; Placed on File Shelf.”) and docket no. [81](#), filed March 26, 2008 (“Note: Document is Over Sized; Exhibits Not Scanned; Placed on File Shelf.”).

viewed on the public docket at any time.<sup>4</sup> Lodging the documents on the docket satisfies Dr. Hale's quest "to place a full record of [his] actions in this docket."<sup>5</sup>

Further, the court also instructs Dr. Hale to stop emailing his filings to chambers in his attempts to improperly supplement the record in this case. Because he is pro se at this time, Dr. Hale is not permitted to e-file.<sup>6</sup> He cannot circumvent the conventional filing system by emailing his filings to chambers and requesting that chambers file his emailed attachments. The court will not file anything it receives via email. Any further attempts to improperly supplement the record in this case should cease now that the case is closed<sup>7</sup> and on appeal.<sup>8</sup>

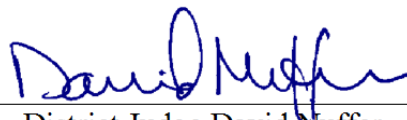
### **ORDER**

IT IS HEREBY ORDERED that the Motion to Scan Shelved Exhibits<sup>9</sup> is DENIED. The oversized exhibits will not be scanned. All lodged filings will remain lodged on the docket.

IT IS FURTHER ORDERED any further attempts to improperly supplement the record cease while the case is closed and on appeal.

Signed July 11, 2013.

BY THE COURT



District Judge David Nuffer

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<sup>4</sup> Oversized filings that were not scanned can be reviewed in the Clerk's Office during normal business hours.

<sup>5</sup> Motion to Scan Shelved Exhibits at 7.

<sup>6</sup> See <http://www.utsdcourts.gov/cmecf/ecfpage.html>, Administrative E-Filing Procedures at 1, section I(A)(2) ("Parties appearing pro se shall file conventionally absent an order of the Court allowing registration as an e-filer.").

<sup>7</sup> See Judgment, docket no. [343](#), filed July 3, 2013.

<sup>8</sup> Notice of Appeal, docket no. [346](#), filed June 28, 2013; Case Number 13-4099 Appealed to Tenth Circuit, docket no. [349](#), filed July 5, 2013.

<sup>9</sup> Docket no. [353](#).